

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Victor Bernard Perkins,

Civil No. 07-1101 (PAM/FLN)

Plaintiff,

v.

ORDER

Marty C. Anderson, Warden,

Defendant.

This matter is before the Court on Plaintiff's Objections to the Report and Recommendation ("R&R") of United States Magistrate Judge Franklin L. Noel, dated February 15, 2007. For the reasons that follow, the Court adopts the R&R and overrules the Objections.

Plaintiff is serving a period of civil commitment at the Federal Medical Center in Rochester, Minnesota. He is suing the warden of the facility, Marty Anderson, for a purported violation of his civil rights under 28 U.S.C. § 1983. He contends that he "was forced to work detail despite the fact that he is a civilly committed detainee and not a prisoner" (Compl. at 3.)

The Magistrate Judge recommended summarily dismissing this case under 28 U.S.C. § 1915(e)(2)(B)(ii) because Plaintiff failed to state a cause of action on which relief may be granted. Specifically, Plaintiff alleged no historical facts showing that Defendant violated any federal constitutional right, and he failed to plead Defendant's personal involvement in any purported deprivation of rights. In his Objections to the R&R, Plaintiff submits that he

is being forced to work in violation of the Thirteenth Amendment and that he may not be required to work because he is merely a civil detainee.

The Court has conducted a de novo review of the record. See 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). Based on that review and Plaintiff's submission, the Court overrules the Objections and adopts the R&R. As the Magistrate Judge determined, Plaintiff has not pled an actionable civil rights claim. The Complaint contains no allegations of Defendant's personal involvement in any wrongful conduct. In addition, the Complaint avers no specific constitutional wrong. Accordingly, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Application to Proceed Without Prepayment of Fees (Docket No. 2) is **DENIED**;
2. The R&R (Docket No. 3) is **ADOPTED**;
3. Plaintiff's Objections to the R&R (Docket No. 4) are **OVERRULED**; and
4. This case is summarily **DISMISSED** under 28 U.S.C. § 1915(e)(2)(B)(ii).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 20, 2007

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge